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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,725	07/28/2000	Tomoko Oyabu	450100-02622	2836
20999	7590	03/14/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/627,725	OYABU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Son P. Huynh	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/10/06 and 6/01/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 23, 2004 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (US 2005/0028208).

Regarding claim 1, Ellis teaches a program guide information providing device (interactive television program guide equipment 17-hereinafter referred to as equipment 17) adapted to communicate with a communication terminal device (remote program guide access device 24-hereinafter referred to as remote access device 24) – see figures 1-2d; the program guide information providing device comprising:

program guide information storing means (i.e., program guide server ) for storing program guide information indicating the contents of programs to be supplied by predetermined program supplying means (program source e.g., main facility, broadcast station- figures 1, 2c, 2d, 8);

preference information storing means for storing preference information indicating the preferences of each of one or more users (storage in equipment 17 for storing user profiles/ preferences profiles/user preferences– paragraphs 0071, 0123-0121-0126), Ellis further discloses the remote access device 24 also sends identification information such as parental control information, information indicating the user who changed the profiles, who accessed and adjusted parental control setting, etc. to and stored in equipment 17 for used to transmitted data to the remote access device 24- see including, but is not limited to, paragraphs 0120-0127). Inherently, the

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preference information for each user also corresponding to a particular communication terminal device (i.e. remote access device 24) with identification (i.e. address of the remote access device, identification of user who used the remote access device to change profile, to request recording, etc.,) associated therewith;

a receiver for receiving identification information from the communication terminal device indicative of the identification thereof (i.e. communication device at the equipment 17 for receiving user identification, remote access device identification from the remote access device 24- see including, but is not limited to, figures 1-2b, paragraphs 0120-0127);

Ellis further discloses equipment 17 generates an appropriate program guide display screen/remote access interactive television program guide screen, according to user preference profiles, remote access device information, and send to the remote access device (24) – see including, but is not limited to, paragraphs 0073,-0074, 0102, 0110-0111, 0122-0126). Inherently, the equipment 17 comprises: a searching means for reading from the preference information storing means the preference information, searching programs matching the preferences of the user from the program guide information based on the read preference information, and generating searched program guide information (appropriate program guide display screen) comprising the searched programs (e.g. favorite programs); and transmitting means (communication device connected to link 19) for transmitting the searched program guide information to the communication terminal device (remote access device 24);

wherein a program selection apparatus (e.g., processing circuitry 54 at the remote access device or control circuitry/tuner at equipment 14 – figures 4-5) receives program selection information upon selection of one of said programs listed in the program guide information (e.g., processing circuitry/control circuitry receives program guide selection information upon selection of programs displayed on display screen of remote access device 24, to watch, to record, etc., via user interface 52– figure 5, paragraphs 0092, 0107, 0154).

Ellis also discloses the list of programs displayed on screen of remote access device (24) including user favorite programs according previous user preferences or “favorites” setting (paragraphs 0122-0126). Inherently, the list of programs in the program guide is previously created and stored by the user (based on user preferences or “favorite” settings) and the previously created and stored list of program in the program guide is remotely accessed by the user upon request on the communication terminal device (the list of programs is remotely accessed upon user request on the remote access device 24 – paragraphs 0120-0126).

Regarding claim 2, Ellis further discloses receiving means for receiving programs supplied from program supplying means (e.g., receiving device of equipment 17 for receiving programs from program sources such as main facility distribution 12- figures 1-2d, 8-9. paragraphs 0069, 0078).

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Regarding claim 3, the limitations of the program guide information providing system as claimed correspond to the limitations of the program guide information providing device as claimed in claim 1, and are analyzed as discussed with respect to the rejection of claim 1. Ellis further discloses the communication terminal device (remote access device 24) comprises:

transmitting means (transmitting device of communications device 58) for transmitting to the guide information providing device (equipment 17) the identification information associated with the communication terminal device (e.g. user identification who uses remote access device to send command, address of remote access device so that the requested data can be received, etc. – figures 1-2b, 5, paragraphs 0120-0127);

receiving means for receiving the searched program guide information transmitted from the program guide information providing device (receiving device of communication device 58 for receiving appropriate/filtered interactive program guide from the equipment 14 – figure 5, paragraphs 0092-0096, 0120-0126);

notifying means for notifying the user of the received searched program guide information (display for displaying the appropriate/filter program guide screen – paragraphs 0120-0126, figures 7-8);

transmitting means (in user interface) for transmitting to a program selection apparatus (processing circuitry 54) program selection information (to record, to watch, etc.) upon selection of one of the program lists in the program guide information (see including, but is not limited to, figure 5, paragraphs 0092, 0107, 0154).

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Regarding claim 4, the additional limitations as claimed correspond to the additional limitations as claimed in claim 2, and are analyzed as discussed with respect to the rejection of claim 2.

Regarding claim 5, Ellis teaches an information receiving device (television distribution facility 16 in figures 2a, 2c, or user television equipment 22 in figures 2b, 2d, 6a-6d) adapted to communicate with a communication terminal device (remote program guide access device 24-hereinafter referred to as remote access device 24) – see figures 1-2d, 6a-6c; the program guide information providing device comprising:

program guide information storing means (i.e., program guide server or storage at user television equipment 22 –figure 2c or par. 0083) for storing program guide information indicating the contents of programs to be supplied by predetermined program supplying means (program source e.g., main facility, broadcast station- figures 1, 2c, 2d, 8);

preference information storing means for storing preference information indicating the preferences of each of one or more users (either storage in television distribution facility 16 or storage in user television equipment 22 for storing user profiles/preferences profiles/user preferences– paragraphs 0071, 0123-0121-0126), Ellis further discloses the remote access device 24 also sends identification information such as parental control information, information indicating the user who changed the profiles, who accessed and adjusted parental control setting, etc. to and stored in equipment 17 for used to transmitted data to the remote access device 24- see



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including, but is not limited to, paragraphs 0120-0127). Inherently, the preference information for each user also corresponding to a particular communication terminal device (i.e. remote access device 24) with identification (i.e. address of the remote access device, identification of user who used the remote access device to change profile, to request recording, etc.,) associated therewith;

a receiver (communication device in television distribution 16 connected to remote access device 24 via user television equipment 22- figures 2a, 2b) or communication device in user television equipment 22 connected to remote access device 24 via television distribution facility 16 – figures 2c, 2d, 6a-6c) for receiving identification information from the communication terminal device indicative of the identification thereof (i.e. receiving user identification, remote access device identification from the remote access device 24- see including, but is not limited to, figures 1-2b, paragraphs 0120-0127);

Ellis further discloses (program guide server 25 in figures 2a, 2c, or user television equipment 22, figures 2b, 2d) generates an appropriate program guide display screen/remote access interactive television program guide screen, according to user preference profiles, remote access device information, and send to the remote access device (24) – see including, but is not limited to, paragraphs 0073,-0074, 0102, 0110-0111, 0122-0126). Inherently, the equipment television distribution facility (16) or user television equipment (22) comprises: a searching means for reading from the preference information storing means the preference information, searching programs matching the preferences of the user from the program guide information based on the

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read preference information, and generating searched program guide information (appropriate program guide display screen) comprising the searched programs (e.g. favorite programs); and transmitting means for transmitting the searched program guide information to a remote commander (transmitting device in television distribution facility 16 transmitted filtered program guide information to user television equipment 22 – figures 2a, 2b; or transmitting device in user television equipment 22 transmits filtered television program guide to television distribution facility equipment 16 – figures 2b, 2d, 6a-6c);

the remote commander having first transmitting/receiving means for directly exchange information between the receiving means and the transmitting means, and second transmitting/receiving means for exchanging information via the communication terminal device and the communicating means (the user television equipment having first transmitting/receiving means for directly exchange information between the receiving means and transmitting means of the television distribution facility (16) and second transmitting/receiving means for exchanging information via the remote access device 24 and the communicating means of the user television equipment – figures 2a, 2c; or the television distribution facility 16 having first transmitting/receiving means for directly exchange information between the receiving means and transmitting means of the user television equipment and second transmitting/receiving means for exchanging information via the remote access device and the communicating means of the television distribution facility – figures 2b, 2d, 6a-6c);

wherein a program selection apparatus (e.g., processing circuitry/control circuitry – figures 4-5) receives program selection information upon selection of one of said programs listed in the program guide information (e.g., processing circuitry/control circuitry receives program guide selection information upon selection of programs displayed on display screen of remote access device 24, to watch, to record, etc., via user interface 52– figure 5, paragraphs 0092, 0107, 0154).

Ellis also discloses the list of programs displayed on screen of remote access device (24) including user favorite programs according previous user preferences or “favorites” setting (paragraphs 0122-0126). Inherently, the list of programs in the program guide is previously created and stored by the user (based on user preferences or “favorite” settings) and the previously created and stored list of program in the program guide is remotely accessed by the user upon request on the communication terminal device (the list of programs is remotely accessed upon user request on the remote access device 24 – paragraphs 0120-0126).

Regarding claim 6, Ellis teaches an information-receiving device as discussed in the rejection of claim 5. Ellis further discloses user input device such as user interface 46 for recording to recording device such as secondary storage device 32, optional digital storage device 31, storage 56, or program guide server 25, for recording program specified by the remote access device 24 from a plurality of program supplied from video source (e.g., main facility- see including, but is not limited to, paragraphs, 0089, 0163- 0164) is interpreted as recording control means for recording to recording means

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(storage device 31, storage device 32, server 25, or storage 56) program specified by the communication terminal device (remote access 24) from a plurality of programs supplied from the program supply means.

Regarding claim 7, the limitations of a remote operation system as claimed correspond to the limitations as claimed in information receiving device in claim 5, and are analyzed as discussed with respect to the rejection of claim 5. Ellis further discloses the communication terminal device (remote access device 24) comprises:

transmitting means (transmitting device of communications device 58) for transmitting to the remote commander (user television equipment in figures 2a, 2c or transmission facility 16 in figures 2b, 2d, 6a-c) the identification information associated with the communication terminal device (e.g. user identification who uses remote access device to send command, address of mote access device so that the requested data can be received, etc. – figures 1-2d, 5, paragraphs 0120-0127);

receiving means for receiving the searched program guide information transmitted from the remote commander (receiving device of communication device 58 for receiving appropriate/filtered interactive program guide from the user television equipment 22 in figures 2a, 2c, or from distribution facility (16) in figures 2b, 2d, 6a-c – see also figure 5, paragraphs 0092-0096, 0120-0126);

notifying means for notifying the user of the received searched program guide information (display for displaying the appropriate/filter program guide screen – paragraphs 0120-0126, figures 7-8);

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transmitting means (in user interface) for transmitting to a program selection apparatus (processing circuitry 54/control circuitry) program selection information (to record, to watch, etc.) upon selection of one of the program lists in the program guide information (see including, but is not limited to, figures 4-5, paragraphs 0092, 0107, 0154).

Regarding claim 8, the additional limitations as claimed correspond to the additional limitations as claimed in claim 6, and are analyzed as discussed with respect to the rejection of claim 6.

Regarding claims 9-16, the limitations of the method as claimed correspond to the limitations of the device/system as claims in claims 1-8, and are analyzed as discussed with respect to the rejection of claims 1-8.

Regarding claim 17, Ellis teaches a device as discussed in the rejection of claim 1. Ellis further teaches the preference information storing means is located adjacent the program selection apparatus (e.g. preference information such as user's preferences, user profiles information, user selection information of program to be recorded, user selection of favorite program, etc., is stored storage device at equipment 14, program guide server that is located in equipment 14 which control program selection apparatus such as control circuitry or program guide server - figures 2c-5; paragraphs 0117-0118, 0123-0126).

Regarding claim 18, Ellis teaches a device as discussed in the rejection of claim 1. Ellis further teaches the preference information storing means is located at a remote location apart from the program selection apparatus (e.g. preference information such as user preferences, user selection of program to record, favorite program, etc. is stored in storage device at equipment 14, program guide server is apart from the processing circuitry - figures 2c-5; paragraphs 0117-0118, 0123-0126).

Regarding claim 19, Ellis further teaches the preference information is retrieved over a public network (remote access link 19 includes telephone line, a computer network, etc.— paragraphs 0076, 0086, 0090,0094, 0127).

Regarding claim 20, Ellis further discloses a television distribution facility 16 includes Internet service system 61 for storing preference information for filtering data before transmitting to the remote access device (paragraph 0126). The Internet service system 61 and program guide server is the same device or system. The Internet service system is a web server for storing preference information for filtering data before transmitting to the remote access device (figures 6a-6c; paragraphs 0097-0101, 0126). Inherently, the preference information is stored at a website (in internet service system 61 and program guide server) for filtering data according preference information before transmitting the data to the remote access device.

Regarding claims 21-40, the additional limitations as claimed corresponding to the additional limitations as claimed in claims 17-20, and are analyzed as discussed with respect to the rejection of claims 17-20.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Ellis et al.** (US 2004,0117831) discloses interactive television program guide system and method with niche hubs.

**Gordon et al.** (US 6,934,965) discloses system for generating distributing and receiving an interactive user interface.

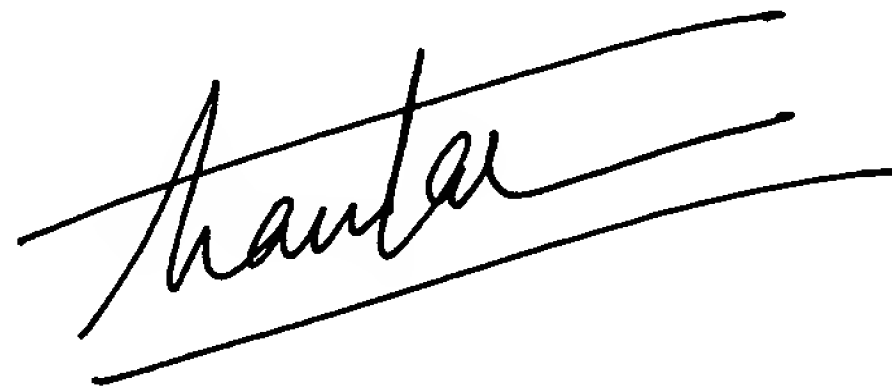
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH  
February 22, 2006

A handwritten signature in black ink, appearing to read "HAITRAN", is written over two horizontal lines.

**HAITRAN  
PRIMARY EXAMINER**